UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.144
18 April 1994

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

SUMMARY RECORD OF THE 144th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 April 1994, at 3 p.m.

Chairperson: Mr. HAMMARBERG

CONTENTS

Consideration of reports of States parties (continued)

Jordan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-16096 (E)

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Jordan (continued) (CRC/C/8/Add.4; CRC/C.6/WP.4)

1. The CHAIRPERSON invited the Jordanian delegation to reply to the questions put to it by members of the Committee, at the previous meeting, relating to the section entitled "General measures of implementation" in the list of issues (CRC/C.6/WP.4) drawn up on the basis of the initial report of Jordan (CRC/C/8/Add.4).

2. Mr. EL-RASHDAN (Jordan) said he wished to make it clear, at the outset, that the statement made, at the previous meeting, in respect of Jordan's non-governmental organizations did not necessarily reflect the views of all Jordanian NGOs.

3. Human rights teaching had become a main subject in the curricula of schools, colleges and universities, and it was intended to make human rights teaching generally available in the country's law faculties. With regard to training in human rights for police and security officials, his delegation would request the Ministry of Foreign Affairs, the relevant coordinating authority, to communicate with the Ministry of Internal Affairs on the question of adding the study of human rights in general, and the rights of the child in particular, including the impact of the Covenant's provisions on professional duties, to the subjects taught. Contact would likewise be made with the Ministry of Education with a view to making such human rights teaching available as part of extra-curricular activities.

4. Jordan's reservations in respect of articles 14, 20 and 21 of the Convention had been made by the country's legal authorities with the aim of ensuring that implementation of the Covenant's provisions conformed to domestic legislation. His delegation had taken careful note of the Committee's reasons for its request for a withdrawal of the reservations; it would communicate those observations to the competent authorities, with a view to considering a possible review, and would inform the Committee of the outcome as soon as possible.

5. Although, in general, the Convention's provisions were not embodied in the national laws, the Government was trying, in current legislative measures, to secure an alignment wherever possible. For example, an amendment had been introduced into the draft labour law to raise the minimum employment age from 13 to 15 years. In addition, the Jordanian Women's Federation was involved in preparations for draft legislation to raise the minimum age of marriage, for males and females alike, to 18 years.

6. He appreciated the proposal made by Mr. Kolosov about the possibility of raising public awareness of the Convention by means of the same public information channels mentioned in the report; his delegation would inform the authorities accordingly, mentioning also the inclusion of the Committee's role and deliberations.

7. He had noted Miss Mason's comments about possible obstacles to the implementation of the Covenant's provisions, not only on account of economic problems and the scarcity of resources and expertise in fields related to the child but also due to lack of coordination within and between the government structure and NGOs. He pointed out that the process of modernizing domestic legislation in order to align it more with the Covenant would take a considerable time. He stressed, however, that the economic crisis had not been cited as a pretext for delays in that respect; in fact, Jordan's human rights record was one of the region's best, although efforts were constantly being made to effect further improvements. He reiterated the continuing need for the international community's assistance in regard to the problem of the national debt burden.

8. The use of statistical surveys which were not child-specific had been questioned. The fact was that such surveys were compiled for many purposes, and provided regular periodic information, including data relating to children. The procedure was no different from that followed in many other countries, and was constantly being revised and updated. That was not to say, however, that there were no grounds for reviewing the system, and the point would be conveyed to the authorities.

9. The question relating to freedom of worship concerned a matter which fell within the framework of his Government's reservations, with which the Committee had already been acquainted. His delegation would present to the Committee a further report, which included additional observations in that regard, although that should not be understood to mean that information which should have been supplied at the outset had been intentionally omitted.

10. The CHAIRPERSON invited the Committee to refer to the section entitled "Definition of the child". The issues were:

"Definition of the child
(Article 1 of the Convention)

8. Please explain the reasons for the differences in minimum marriage ages for boys and girls and whether the Government is considering reforming national legislation in this regard, in the light of the provisions of the Convention, particularly its article 2.

9. Please indicate the reasons for the differences between the minimum age for the completion of compulsory education and the minimum age for employment."

11. Mr. EL-RASHDAN (Jordan) said that he wished to add some information to the replies already provided for the Committee. The differences in minimum marriage ages for boys and girls reflected the difference recognized, inter alia, in the new draft personal status Act, in the respective ages of maturity. Such a recognition was in keeping with Jordan's social and cultural traditions. That draft code was in general considered to represent considerable progress with regard to earlier legislation.

12. The minimum age for the completion of compulsory education was 16 years, and for employment currently 13 years, which meant that some children, in certain circumstances, could be employed while completing their studies. Conditions were strictly governed, however, by the Jordanian Labour Code, article 48 of which, for example, imposed restrictions on the employment of children such as the prohibition of over six hours of work per day, and article 47 of which prohibited night work. The new draft labour code took account of the need for further special provisions, for example in regard to vocational training and the prohibition of the employment in hazardous occupations of persons under 17 years of age. Although Jordan had not yet adhered to the relevant ILO Conventions, he understood, from information given by the Ministry of Labour, that serious consideration was being given to the possibility of doing so.

13. Replying to a question by Miss MASON, he said that the minimum age for employment applied without distinction between the sexes. Perhaps there had been a misunderstanding since the term (walad) which might have been interpreted into English as "boys" in fact covered children of both sexes.

14. In reply to a question by Mr. MOMBESHORA, he said that there was a well-staffed inspectorate, under the Ministry of Labour, whose task was to monitor compliance with labour legislation and ensure that violators were brought before the competent authorities. With regard to conditions in the informal sector, one of the purposes of the new draft labour law was to close existing loopholes.

15. Mrs. EUFEMIO said that, although the proposed new legislation would prohibit the employment of persons below the age of 15 years, there was still a gap between that age and the 16-year minimum age for the completion of compulsory education. She wondered what arrangements the Government envisaged to enable children to complete their basic education, particularly in cases where children failed the final examinations and might have to repeat their studies.

16. Mr. EL-RASHDAN (Jordan) said that the reason for the apparent gap was the aim to deal with a limited category of children who would undertake work at the age of 15 as part of a training period with a view to entering full employment later. He reiterated that the new draft labour code was regarded as a considerable improvement on earlier legislation, which had recognized a minimum employment age of 13 years. There were, of course, circumstances in which children completed their education before the age of 16 years, but that situation had not been taken as a criterion.

17. Mr. KOLOSOV, referring to paragraph 1 (e) of the initial report, concerning service in the armed forces, noted that although, according to article 3 (a) of Act No. 23 of 1986, every male Jordanian was liable for military service on reaching the age of 18, article 5 (b) of Act No. 2 of 1972 stipulated that a person wishing to enlist in the armed forces must be at least 16 years of age in the case of a private soldier. He was concerned about the possibility that boys at the age of 16 might be encouraged or otherwise induced to volunteer for armed service. In most countries' legislation the minimum age for compulsory and voluntary service in the armed forces was the same.

18. Mr. EL-RASHDAN (Jordan) said that, in most cases, voluntary enlistment at the age of 16 was as a cadet, for military training as a continuation of the young person's education. There was no possibility of involvement in combat under the age of 18 years.

19. Mrs. EUFEMIO, referring to the employment of students, said she would like to know whether students were paid for their employment, and whether the latter was deemed a form of apprenticeship. Instances had been observed, in many countries, of the use of apprenticeship as a means to circumvent labour legislation.

20. Mr. EL-RASHDAN (Jordan) said that there was a government instruction to regulate the establishment and monitoring of training and apprenticeship schemes. Monetary remuneration was normally provided to apprentices, and funds were specially allocated for that purpose.

21. The CHAIRPERSON invited the Committee to turn to the issues under the section entitled "General principles", which read as follows:

"General principles

(Arts. 2, 3, 6 and 12 of the Convention)

10. Please provide information on the steps taken to prevent and eliminate discriminatory attitudes or prejudices and to ensure an effective protection against discrimination, particularly towards the girl child, disabled children and children born out of wedlock.

11. Please provide information on the measures taken to ensure the implementation of the Convention especially to the most disadvantaged groups of children, including non-Jordanian children and refugee children.

12. Please explain the ways in which the 'best interests of the child' are taken into consideration in judicial, administrative or other proceedings, particularly with reference to the application of article 7 of the Personal Status Act (see paragraph 7 of the report).

13. With reference to paragraph 12 of the report, please provide further information as to how the provisions of articles 150 and 151 of the Personal Act, regarding breast-feeding and practices, are applied in reality.

14. What concrete measures have been taken to sensitize public opinion about the need to encourage children's participatory rights?

15. In view of the information contained in paragraph 7 of the report, please indicate the ways in which the principle of respect for the views of the child is reflected in all matters affecting the child, particularly in judicial and administrative proceedings."

22. Mr. EL-RASHDAN (Jordan), referring specifically to issue No. 11, said that despite recent developments, Jordan's institutions were not yet able to provide all the services required to cater for large numbers of children, especially in the fields of health, education, vocational training and welfare. The voluntary sector played a key role in providing services for the handicapped. Community development was largely the province of such non-governmental agencies as the Noor al-Hussein Institution which had been set up in 1985 to determine Jordan's development needs, to find ways of meeting them via comprehensive dynamic development programmes and to draw up development criteria at the national level in such areas as children's affairs, family development and local community development. There was also the Queen Alia Fund for voluntary work, and over 630 associations providing welfare services for disadvantaged children, especially those living in remote rural areas.

23. On the subject of refugee children, further to what had been stated in the initial report (CRC/C/8/Add.4), a number of children from Bosnia were currently living in Jordan as guests of the Government which was keen to provide for all their basic needs. Non-Jordanians were treated as foreigners on a basis of reciprocity and according to the laws and procedures prevailing in Jordan. The State remained responsible for Jordanian children wherever they were.

24. Mrs. EUFEMIO said that paragraph 16 of the core document (HRI/CORE/1/Add.18/Rev.1) indicated that 12.85 per cent of males and 33.44 per cent of females in Jordan were illiterate, according to 1987 figures. She wondered what the reason was for that disparity and what measures were being taken to redress the balance.

25. Mrs. SANTOS PAIS said that in setting marriageable ages, it was important to take into account a young person's mental and emotional maturity as well as their physical maturity, particularly in the case of girls, who matured physically at an earlier age than boys. It was that global view of maturity that the Convention required in order to satisfy one of its fundamental principles, namely, that every child should be treated equally, with no discrimination on the basis of gender.

26. With regard to the statement in paragraph 7 of the report (CRC/C/8/Add.4) that a woman who had been granted custody of a child could not take the child out of the country without the consent of the male guardian, she asked whether a man who had been granted custody needed the authority of the female guardian for that purpose.

27. On the definition of nationality, discussed in paragraph 16 of the report, and in particular the definition in subparagraph (ii), she wondered whether a child born of a Jordanian mother received Jordanian nationality ipso facto, or whether the mother was treated differently from the man in law in that respect.

28. Mr. MOMBESHORA asked whether the children of Palestinians living in Jordan had been given Jordanian nationality.

29. Miss MASON requested further information on the Personal Status Act, the areas and issues covered and the persons to whom it applied, bearing in mind the provisions on non-discrimination in article 6 of the Convention.

30. Mr. EL-RASHDAN (Jordan), in reply to Mrs. Eufemio, said that the percentage of school attendance for the compulsory basic education was the same for both sexes, although the drop-out rate was higher among boys than girls. In the over-15 age group the illiteracy rate was higher among females, the highest figures relating to the over 40s. The Government had introduced special literacy programmes with a view to achieving a more general level of literacy without any distinction between the sexes.

31. In reply to Mrs. Santos Pais, he said that the Jordanian Nationality Act No.6 of 1954 provided that the children of Jordanian men had Jordanian nationality regardless of their place of birth. A Jordanian woman could retain her Jordanian nationality on marrying a foreigner, but could not pass on her Jordanian citizenship to any children of that marriage. However, children born to a Jordanian mother but having no known father could take the mother's Jordanian nationality. Human rights groups were endeavouring to get the Nationality Act changed to allow Jordanian nationality to be passed on through the female line.

32. With regard to the question on the consent needed to travel with a child outside the national territory, the law was exactly as stated in the report: where a marriage was maintained, a mother could travel out of the country with her child without problem. If the father had custody of the child, a rare situation under the Personal Status Act which generally awarded custody to the mother or her next of kin in the female line, he did not require the mother's consent to take the child outside the country.

33. In reply to Mr. Mombeshora, he said that Palestinians who had settled in Jordan in the wake of the 1948 events had become Jordanian citizens and had the same rights and duties as all other Jordanians.

34. The CHAIRPERSON recalled that it had been stated in paragraph 4 of the report (CRC/C/8/Add.4) that according to the Jordanian Constitution and the National Charter, all Jordanians were equal before the law. From the delegation's replies to the Committee's questions, there appeared to be some disparity and he wondered what "equal before the law" actually meant.

35. Miss MASON suggested that the answer to that question might be in the Personal Status Act, on which she had already put a question.

36. Mr. EL-RASHDAN (Jordan) said that the Personal Status Act governed all matters relating to marriage, custody of children, paternal and maternal costs including the raising of children, and inheritance. The Act derived its provisions from the Islamic Sharia. There would be many amendments to the Personal Status Act in new legislation which was expected to be enacted in the fairly near future, but he had no information on the new provisions.

37. Mr. KOLOSOV, pursuing the question of nationality, asked if a Jordanian woman married a foreigner, whether their child would remain stateless because

the father was a foreigner. He would also welcome information on the number of stateless children in Jordan and whether they suffered from any discrimination because of their status.

38. Mr. EL-RASHDAN (Jordan), replying to Mr. Kolosov, said that in Jordan, the basic legal principle was that of blood relationship and not lex soli. The children of Jordanians could enjoy Jordanian nationality wherever they were born, notwithstanding the nationality of their mother.

39. Further to the question raised by Mr. Mombeshora, he said that following the adoption of the Jordanian Nationality Act No. 6 of 1954, Palestinians born in Jordan between 1948 and 1967 were considered to be Jordanians and therefore their children had acquired Jordanian nationality. There was no discrimination whatever between them and other Jordanians.

40. Following the events of 1967, his Government had sought by various means to protect the Palestinian identity and to reaffirm that the Palestinians must return to their homeland and therefore enjoy their right to self-determination.

41. Turning to the question of succession, he said that under current Jordanian legislation, inheritance matters were governed by the provisions of the Islamic Sharia.

42. Mr. KOLOSOV, referring to article 7 of the Convention, which called on States parties to ensure the right of the child to acquire a nationality, said that he would like to know the number of stateless children in Jordan and how they were treated.

43. Miss MASON said that the Personal Status Act seemed to have been enacted simply for the benefit of Muslims. She would like to know whether there existed a similar act that made it possible to ensure respect for the principle of non-discrimination with regard to non-Muslims.

44. Mrs. EUFEMIO said that she had also noted from the report that although many women were aware of their rights, they were unwilling to assert them. How was that attitude passed on to the girl child and in what ways was she affected by it? How, too, was the girl child affected by the stipulation in the Qur'an that the husband had the right to discipline his wife, a situation widely interpreted as wife beating being allowed by the State.

45. Mrs. SANTOS PAIS, referring to article 8, paragraph 2, of the Convention, noted that States parties were encouraged to find a solution wherever a situation of statelessness might occur. She would like to know what measures were envisaged by Jordan to preserve the nationality of children who might be affected by the situation described by her colleague.

46. Noting that there were two main religious communities in Jordan, she wondered what was the personal status of those who did not belong to either religion. She had the feeling that their status might not be completely respected.

The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

47. Mr. EL-RASHDAN (Jordan), referring to a point raised by Mr. Kolosov, said that under the Jordanian Nationality Act No. 6 of 1954, anyone born in Jordan to a mother holding Jordanian nationality and a father of foreign nationality could enjoy Jordanian nationality. It should be noted, however, that the nationality legislation of the father's State could be a reason why the child remained stateless.

48. Mr. KOLOSOV said that if the Jordanian Government was prepared to fulfil completely its obligation as set out in article 2, paragraph 1, of the Convention, it must ensure that the child suffered no discrimination based on the origin of his parents. He would therefore invite the legislative body of Jordan to introduce such a provision in the country's legislation.

49. Mrs. SANTOS PAIS said that as the Convention did not have legal force at the national level in Jordan, it was important that all its provisions should be reflected in that country's national legislation.

50. Mr. EL-RASHDAN (Jordan) referring to the point by Miss Mason concerning the Personal Status Act, said that members of non-Muslim communities in Jordan had their own legislation which determined their personal status in a manner parallel to the Jordanian Nationality Act. Each community had its own specific laws and courts.

51. On the question of inheritance, the provisions applied in the Christian community were similar to those contained in the Islamic Sharia.

52. With regard to the question by Mrs. Eufemio concerning wife beating, he said that the Jordanian Women's Federation had prepared a plan of action dealing with the matter of violence in the family, in particular violence against women. One of its recommendations was that new legislation in Jordan should contain provisions designed to prevent the husband from committing such acts. It should be noted that a wife who was a victim of such violence could seek remedy through the courts. In that connection, he said that such courts could hand down a decision that imposed a fine on the husband and obliged him to sign a statement to the effect that he would no longer resort to such violence. It should also be noted that the number of such cases in modern Jordan had greatly diminished.

53. The CHAIRPERSON said that domestic violence, and in particular wife beating, was a universal problem encountered in all societies, cultures and religious traditions. He would like further clarification on what the Jordanian authorities were doing to reduce the risk of such violence, not only by giving clear signals of political commitment through legislation but also by means of action on the social or educational front.

54. Mr. EL-RASHDAN (Jordan) said that the difficulty in any attempt to prevent domestic violence was that the large majority of battered wives were unwilling to complain, either under pressure of social forces or for fear of aggravating the situation in the home. In Jordan, women subjected to domestic violence had free access to the courts and the relevant authorities to seek legal redress and cessation of the violence. Ill treatment was a valid ground for granting a woman a divorce. The Jordanian Government would be informed that the Committee would welcome further legal and other measures to combat domestic violence; additional information on the matter would be provided in due course.

55. Mrs. EUFEMIO said that apart from enforcement of legislation against violence by the police, there was much that communities themselves could do at the local level through self-help measures and surveillance strategies to discourage domestic violence. Was any such community action in operation in Jordan?

56. Mrs. SANTOS PAIS, acknowledging that social pressures often forced women to keep silent about violence against themselves and their children since complaints would be considered a violation of the privacy of the home and family, said that such assumptions were often shared by the police and the judiciary. In order to change such traditional attitudes and achieve recognition of the fact that treating domestic violence as a private family matter merely tended to perpetuate it, efforts should not only be made to create awareness among the general public but such matters should also be dealt with in the training given to law enforcement officials and the judiciary. The enactment of legislation was not in itself enough to change social realities.

57. Mr. EL-RASHDAN (Jordan) said, in answer to Mrs. Eufemio, that the community played an important role through the associations working in the field of human rights in general and women's rights in particular. Those associations had, for example, opened legal and social advice offices to inform women of the legal means available to them to combat domestic violence or achieve other rights being denied them in the home. They also organized seminars, courses, symposia and lectures on legal and cultural matters associated with the family, which focused on ways to prevent and eliminate domestic violence. There was also the Jordanian Women's Federation, which drew up programmes for the advancement of women and provided information on women's rights and the means available to women to defend them. In Jordanian society, families were cohesive and family ties strong; other members of a family group would frequently intervene to endeavour to persuade a man to desist from using violence against his wife or children. Two directorates within the Ministry of Social Development (para. 2 of the report), one responsible for the family and the child and the other concerned with social welfare, kept a watch on disturbed families in order to provide them with necessary services and ensure the protection of children; such services included taking children into care and reporting cases of violence to the responsible authorities for action.

58. No survey of domestic violence had ever been carried out in Jordan, so that no figures were available to indicate how widespread the problem might be. He reminded the Committee that under the teachings of Islam people were urged to treat one another with kindness, generosity and consideration.

59. The CHAIRPERSON said that the Committee might well make the conduct of such a survey one of its recommendations, since it could lay the ground for a more comprehensive strategy for dealing with the problem of domestic violence.

60. Mr. EL-RASHDAN (Jordan), turning to issue No. 12, said that in its legislation and procedures Jordan ensured the best interests of the child by providing for its physical and moral safety and security, its education and enjoyment of its legitimate rights. The importance of considering the best interests of the child was reaffirmed in a number of provisions.

61. The CHAIRPERSON, on the subject of the best interests of the child, said he understood that in Jordan the custom was that in cases of divorce or separation of the parents, the mother was given custody of boys up to the age of 7 and girls up to the age of 9, custody passing to the father above those ages. However, if the best interests of the child were to dictate that the father should have custody at an earlier or the mother at a later age, were there any provisions for taking that into account?

62. Miss MASON asked whether the views of the child were taken into consideration in custody cases.

63. Mrs. SANTOS PAIS asked for more details than had been provided in the report of the way in which the best interests of the child were protected in Jordan. Paragraph 166 of the report stated that no young person over 13 years of age was permitted to engage in formal institutional employment without a medical certificate. She asked how far the best interests of the particular child concerned, namely the extent to which the work in question would affect his or her health and development, taken into account by medical practitioners in issuing such certificates.

64. Miss MASON, noting that different countries tended to give different figures for the age at which a child attained discernment, asked what Jordan considered to be the age of discernment in a child and what criteria had determined that decision. To what extent were the views of the child respected within the family.

65. Mrs. EUFEMIO asked whether recognition on the birth certificate that a child had been born out of wedlock could be considered in the best interests of the child. Further, in cases where the names of parents were omitted from the birth certificate, might that not create some risk of marriage between siblings?

66. Mr. KOLOSOV, further to Miss Mason's question, asked to what extent the views of the child were respected at school. Granted that discipline was generally strict in Muslim schools, was there any provision for an exchange of views between teachers and children or for children to make their opinions known?

67. Mr. EL-RASHDAN (Jordan) said that answers to the foregoing questions would be provided to the Committee at its next meeting.

The meeting rose at 6 p.m.